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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 66/167 and reports on steps taken by States and the United Nations system to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in that resolution.

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Contents

		Page
I.	Introduction	3
II.	Information received from Member States	3
	Armenia	3
	Azerbaijan	3
	Colombia	4
	Georgia	4
	Germany	5
	Ghana	6
	Greece	7
	Guyana	7
	Honduras	8
	Iraq	9
	Lebanon	9
	Malta	10
	Mauritius	10
	Mexico	11
	Paraguay	11
	Qatar	12
	Slovak Republic	12
	Samoa	13
	Turkey	13
	Ukraine	14
	United States of America	15
III.	United Nations Alliance of Civilizations	16
IV.	Office of the United Nations High Commissioner for Human Rights	16
V.	United Nations human rights treaty bodies	17
VI.	Special procedures of the Human Rights Council	18
VII.	Conclusion	18

I. Introduction

1. The present report is submitted pursuant to resolution 66/167, in which the General Assembly requested the Secretary-General to submit a report at its sixty-seventh session on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in the resolution.

2. The present report contains information received from States on the implementation of the resolution, as well as relevant information on measures and activities of the United Nations system. Information was also received from non-governmental organizations and is available for consultation at the Office of the United Nations High Commissioner for Human Rights.[1]

II. Information received from Member States

Armenia

3. Armenia reported that authorities elaborated a draft law on freedom of conscience and religion, which was open for public discussions, with the participation of different religious organizations. The draft was sent to the Venice Commission for its opinion and it was subsequently reviewed. Representatives of the Venice Commission then visited Armenia and held consultations with respective bodies and presented additional recommendations, which are currently being drafted. The draft law was sent to all concerned State agencies and their proposals were taken into account during the elaboration process. The draft provides guarantees to ensure freedom of conscience, religion and belief; prohibitions on discrimination and interference and restrictions on the freedom of conscience, religion and belief; and provides for rights and obligations of religious organizations as well as their registration, among many other issues.

Azerbaijan

4. Azerbaijan reported that the policy of the Government in the field of religions is based on the freedoms of thought, speech and conscience and is pursued on the principles and norms of international law; international agreements to which the Azerbaijan Republic is a party; the Constitution of the Azerbaijan Republic; and other normative instruments. Government bodies defend the rights of all citizens as well as the rights of members of religious communities. Intolerance and discrimination based on religion or belief are combated based on article 18 of the Constitution, which provides that all religions are equal before the law, and article 48, which provides that everyone enjoys freedom of conscience.

5. The State Committee of the Azerbaijan Republic for Work with Religious Organizations is the central executive body responsible for the implementation of the State policy in the sphere of religion. From 2011 to mid-2012, it held 43 seminar-training sessions in different cities and regions of the country. The State Committee

[1] The original texts of the contributions are available for consultation in the files of the Secretariat.

publishes the collection *State and Religious Social Thought* and the newspaper *Society and Religion*, which promote ideas of tolerance and traditions among religious communities and the general population. Established in April 2007, the six-member Consultative Council of the State Committee has as its main purpose the promotion of interreligious dialogue.

6. According to article 18 of the Constitution, spreading propaganda of religions (religious movements); humiliating people's dignity; and contradicting the principles of humanism are prohibited. It added that everyone has the right to legal equality regardless of religious affiliation and that this right is protected by law. Identification of religious affiliation in official documentation is allowed only with the person's permission.

Colombia

7. The Colombian Constitution of 1991 states that every individual has the right to freely profess his/her religion and to disseminate it individually or collectively. All religious faiths and churches are equally free before the law. In addition, the Religious Freedom Act (Law 133 of 1994) guarantees the right to freedom of religion and worship, and affirms that the State must guarantee religious liberty and will use its power to enforce such freedoms.

8. In relation to paragraph 7 of General Assembly resolution 66/167 concerning "measures and policies to promote the full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction", Law 599 of 2000 of the Criminal Code classifies crimes against religious sentiment and respect for the dead. These crimes are: violation of the freedom of religion (article 201); hindrance and disturbance of religious ceremonies (article 202); damage or injury to persons or to items intended for worship (article 203); and the violation of the sanctity of a corpse (article 204).

Georgia

9. Georgia reported that the status, duties, rights and obligations of public functionaries in Georgia is defined under the Law on Public Service. Article 13 of that law obligates public servants to respect the Constitution of Georgia and the rule of law, while accomplishing their official duties; to respect the rights, freedoms and dignity of people and citizens; and to impartiality and secularity of the public service. Moreover, some of the public entities have elaborated specific codes of conduct with regard to the penitentiary system, the police, the prosecutorial service, teachers, and broadcasters.

10. Every citizen of Georgia enjoys the right to freely manifest his/her religion and/or belief, and the prohibition of any interference or persecution on religious grounds is provided for in the Constitution and by different legislative acts. The Criminal Code of Georgia criminalizes acts of infringement of the equality of individuals, including those regarding their religious affiliation or confession. In March 2012 pursuant to recommendations of the European Commission against Racism and Intolerance, the Criminal Code was amended to provide for aggravating circumstances regarding offences committed on various grounds, including religion.

11. Georgian legislation provides that any group can operate as a registered or non-registered legal entity and in July 2011, the Civil Code of Georgia was amended to allow registration of religious groups as religious associations. A religious group may decide whether it wishes to be established as a legal entity of private law (non-profit association) or as a legal entity of public law (religious association). In either case, it is eligible for all benefits provided by Georgian legislation.

12. The New Labour Code, adopted in 2010, provides guarantees against discrimination in employment relations on several grounds, including membership of religious or any other union. The Government of Georgia reported that to ensure the involvement of minorities in the political and social life of the country, it carries out an affirmative action policy in the fields of education and of policing.

13. It stated that it does not compile data on the ethnic or religious affiliation of its citizens or through any census and that information on nationality, religion or ethnic origin of the applicant is not included in any identity document. Georgia also reported that the Criminal Code contains guarantees against discrimination on religious grounds, but also contains separate articles prohibiting illegal interference in the performance of religious rites as well as punishment for disrespect to the deceased.

Germany

14. Germany reported that the Forum against Racism has been set up, where 55 non-governmental organizations hold a regular exchange with the Federal Government on issues concerning the fight against racism and xenophobia, in which phenomena based on religion or belief are also frequently discussed. The Federal Government has also launched the federal programme "Cohesion through Community Participation", through which it funds projects — primarily in towns and communities particularly affected by social and economic changes — for democratic participation, to combat extremism in eastern Germany, and to establish a lively and democratic community culture. A network, the Alliance for Democracy and Tolerance, seeks to promote civic initiatives and partners working to support democracy and tolerance, and compiles best practices and makes them available on its website.

15. Germany reported that the National Action Plan on Integration addresses the issue of "immigrants in the public service" in order to raise the number of staff members with an immigrant background in the public service. While it has taken some measures, such as job advertisements tailored to this group and training labour recruitment staff, the federal administration is finding it challenging to give all social groups the opportunity to take part in decision-making processes.

16. With regard to efforts to counter religious profiling referred to in paragraph 6 (d) of General Assembly resolution 66/167, Germany states that the training curricula of all police career groups in the Federal Police contain several courses dealing with xenophobia, racism and migration, making officers aware of the issues and seeking to raise their intercultural competence.

17. In Germany, offences involving discrimination against persons based on religion or belief — particularly violent offences — are separately recorded and analysed as hate crimes, which are politically motivated crimes. It reports that

roughly 90 per cent of these offences have been attributed to right-wing-oriented and politically motivated crime.

18. Under German criminal law, hate crimes, including discrimination or violence based on religion or faith, have been dealt with by the courts, which generally issued stricter sentences, or, in the case of murder, consider the offender to have acted on base motives (section 211 of the Criminal Code). Specific forms of hate crime involving religious aspects are also punishable as incitement to hatred (section 130 of the Criminal Code), as defamation of religious associations (section 166 of the Criminal Code) or as insults (section 185 of the Criminal Code), where the offence was targeted at individuals. Germany reported that according to Police Crime statistics, a total of 2,272 cases of incitement to hatred and 58 cases of defamation of religious associations were reported in 2011, and 64.7 per cent and 34.5 per cent, respectively, cleared up.

19. In Germany, the police works to combat hate crime by: systematically prosecuting hate crimes as offences against State security and recording them separately; cooperating with counselling bodies and providing support for victims' assistance; differentiated analysis of the national number of cases in order to elaborate potential prevention measures; and cataloguing measures to combat politically motivated crime in order to perceive, record and combat relevant offences in a more targeted manner. It added that police forces take regular preventive measures such as stepping up physical protection or police controls with regard to especially vulnerable points, for example, Jewish cemeteries.

Ghana

20. Ghana reported that the Constitution of 1992 provides that all persons shall be equal before the law and that a person shall not be discriminated against on grounds of religion. The Constitution requires that the State shall endeavour to secure and protect a social order founded on the ideals and principles of freedom, equality and justice, and in particular, the State shall direct its policy towards ensuring that every citizen has equality of rights, obligations and opportunities before the law.

21. Religion is not a criteria for holding public office in the executive, legislative and the judicial branches of government. In the exercise of their discretion, public functionaries are required to be fair and candid and not to be arbitrary, capricious or biased either by resentment, prejudice or personal dislike and shall be in accordance with due process of law. Neither is religion a consideration or prerequisite for participation in the economic sector. Furthermore, participation in and access to the Ghanaian media, particularly the State media, is not in any way restrictive on the grounds of religion or belief.

22. It reported that there is no religious profiling in Ghana, since the security services in general and the Ghana Police Service do not conduct questioning, searches and other law enforcement investigative procedures using religion as a criterion for such acts.

23. Ghana's official policy and measures engender and promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and it takes measures in cases where they are vulnerable to vandalism or destruction.

The security services have on several occasions arrested persons for vandalization of cemeteries and desecration.

Greece

24. Greece referred to specific national legislation concerning the direct or indirect combating of racial discrimination, including Law 927/1979 (on punishing acts or activities aimed at racial discrimination), which in article 71, paragraph 2, provides that migrants who live legally in Greece are subject to the relevant social security system and enjoy the same rights as natives. Article 72 provides that migrants who legally reside in Greece are subject to obligatory school attendance and, according to article 84, migrants legally residing in Greece have access to the national health system.

25. The Greek Government has drafted a national strategy for the integration of third-country nationals, which brings together and coordinates all agencies involved with migrant integration. Under the European Fund for the Integration of Third-Country Nationals, Greece is carrying out a programme to provide intercultural training of civil servants dealing with third-country nationals or handling issues related to them.

26. In Greece, there is a legislative framework as well as measures and actions being implemented by the Greek Ministry of Education, Lifelong Learning and Religious Affairs which contribute to combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion and belief. While the Constitution in article 3 recognizes the Eastern Orthodox Church as the predominant religion, the Greek State declares its commitment to protecting the religious freedom of all other religious expressions (article 13).

27. The dialogue between state and ecclesiastical jurisdictions and religious communities is constitutionally guaranteed and regulated with the constitutional guarantee to religious freedom. Additionally, the Greek State protects the practices of all religions and faiths as part of the freedom of religious conscience of believers, their worship and religious community. Free choice in the organization and administration of every church and religious community is protected by the Constitution.

Guyana

28. The revised Guyana Constitution (2003) provides for freedom of religion, and other laws and policies contribute to the generally free practice of religion. Article 145 states in section (1) that except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this article the freedom to change his religion or belief, and either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in teaching.

29. Article 145, section (2), provides that no religious community shall be prevented from providing religious instruction for persons of that community and section (3) provides that except with his own consent, no person attending any place

of education shall be required to receive religious instruction if that instruction relates to a religion which is not his own. Article 38F states that no person's religion or religious beliefs shall be vilified.

30. With respect to the elimination of discrimination, article 149 of the Constitution provides for protection from discrimination. Article 149 (1) provides for the rule of law whereby no law shall make any provision that is discriminatory either of itself or in its effect and further that no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

31. Guyana reports that, in pursuit of its commitment to inclusive democracy and meaningful participation and representation, it established in 2008 a national consultative body, the National Stakeholders Forum. It added that civil society organizations, including religious organizations, have actively participated in the examination of legislation of special concern to them, prior to introduction in the National Assembly or before Parliamentary Special Select Committees.

Honduras

32. Article 77 of the Constitution of Honduras expressly guarantees the freedom of religions and cults, provided they do not contravene the laws and public order of Honduras. All Hondurans are equal before the law and any discrimination on the grounds of sex, race, class and any other detriment to human dignity is declared punishable. The Constitution, in article 78, also guarantees "freedom of association and assembly provided they are not contrary to public order and morals".

33. Article 321 of the Penal Code provides for a term of three to five years and a monetary fine imposed on any person involved in any form of discrimination against another person on the basis of sex, race, age, class, religion, political activism, disability or any other discrimination injurious to human dignity.

34. Article 12 of the Labour Code prohibits any kind of discrimination in the workplace. It also prohibits employers from influencing the political inclination or the religious beliefs of their workers (article 96) and establishing differences in salaries based on age, sex, nationality, race, religion, political opinion or union activities (article 367).

35. According to article 151 of the Constitution, education is an essential function of the State for the preservation, development and dissemination of culture, which must extend its benefits to society without discrimination of any kind; public education shall be secular and based on fundamental principles of democracy. Further to the Fundamental Law of Education passed in early 2012, education is independent of any organization, denomination, association or religious beliefs. The Honduran State guarantees the right of parents to choose religious education for their children as well as freedom of conscience and belief.

Iraq

36. Iraq reported that with regard to public officials and their public duties, article 2, chapter I, and article 14, chapter II, of the Constitution of Iraq provides that all Iraqis are equal before the law without any distinction on the basis of sex, ethnicity, nationality, colour, religion, sect, belief, opinion or economic and social status. It stated that there was no indication that minorities are being treated differently by public officials, particularly since officials do not inquire about religious or ethnic affiliation in the course of their duties.

37. The Government supports freedom of religion and pluralism through enabling all members of society regardless of religious affiliation to profess their religion. Under article 42, subsection 2, the State ensures freedom of belief and worship and also protects places of worship. The Government added that the Iraqi parliament is in the process of drafting a law with respect to minority groups in Iraq, which would grant them land to build cultural and religious centres and areas of worship in order to practise their religion freely. The political contribution of religious minorities is guaranteed since the Constitution provides for special quotas to ensure their representation in parliament. There are also special quotas for provincial councils where they reside, and they occupy high-level posts in Government.

38. It reported that all relevant authorities enforce the law regarding interrogation and search and seizure, without discrimination on the grounds of religion and belief. With regard to places of worship, the Government is working to ensure that there are strong measures in place to prevent desecration of places of worship, including appointing minorities to secure their own neighbourhoods and places of worship. There are also provisions in Criminal Code 372 (1969), subsections 1 to 6, which govern such offences.

Lebanon

39. The Constitution of Lebanon guarantees the right to conscience; to personal liberty; to expression; to education; and to public employment, in addition to the protective role of places of worship for all Lebanese without consideration of religious affiliation. Lebanon reported that it is a country built on the branches of religion and diversity, love and respect for others. It added that any breach by any public employee is subject to accountability in line with the laws and procedures in force.

40. The Constitution also confirms that Lebanon is a parliamentary democracy based on respect, public liberties, above all including the right to expression and conscience, on social justice, and equal rights and obligations of all citizens without discrimination or privilege and with no distinction between people on the basis of affiliation. Article 7 of the Constitution states that all Lebanese are equal before the law. Under article 9, the right of conscience is absolute and the State must carry out its obligations in respecting religion and branches of religion. The right to worship is ensured and protected by the State, consistent with public law. The State asserts that citizens and foreigners have total liberty to practise their religion and conscience, with the condition that it not contravene rules and laws in force.

Malta

41. In Malta, condemnation and elimination of discrimination have been pursued through the enactment of legislation, both criminal and civil. Discrimination is prohibited by the Constitution, the European Convention on Human Rights (which has been incorporated into domestic legislation by Chapter 319 of the Laws of Malta) as well as other international conventions to which Malta has adhered. Of particular note are amendments made to the Criminal Code in 2002 and 2009 and the enactment of the Equal Treatment of Persons Order (Legal Notice 85 of 2007). Discrimination on the grounds of religion and/or beliefs is integrated within the provisions of laws dealing with anti-discrimination in general.

42. The amendments to the Criminal Code included provisions making incitement to violence or hatred an offence. Subarticle 82A, which concerns violence and racial hatred states that anyone who uses any threatening, abusive or insulting words or behaviour, or displays any written or printed material which is threatening, abusive or insulting, or otherwise conducts himself in such a manner, with intent to stir up violence or racial hatred or whereby violence or racial hatred is likely, with regard to all circumstances, to be stirred up shall on conviction be liable to imprisonment for a term from 6 to 18 months; and, for the purpose of the subarticle violence or racial hatred means violence or hatred against a group of persons in Malta defined by reference to colour, race, religion, descent, nationality (including citizenship) or ethnic or national origins or against a member of such a group.

43. The Criminal Code also provides that xenophobic motivations constitute an aggravation in the context of offences against the person (bodily harm), for instance in article 222A. Article 83B introduced a general provision stating that any offence which is motivated by xenophobia is considered aggravated.

Mauritius

44. The Republic of Mauritius reported that the themes of General Assembly resolution 66/167 are enshrined in chapter II of its Constitution, entitled "Protection of Fundamental Rights and Freedom of the Individual". Article 3 of the Constitution, on "Fundamental rights and freedoms of the individual", recognizes: (a) the right of the individual to life, liberty and security of the person and the protection under the law; (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and (c) the right of the individual to protection of privacy of his home and other property and from deprivation of property without compensation.

45. Article 16 of the Constitution of Mauritius provides for protection from discrimination. In particular, its subsection (8) states that "no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority". In addition, it is a criminal offence to discriminate against a person by reason of race, religion or place of origin.

46. Article 11 of the Constitution protects freedom of conscience. Article 14 provides that no religious denomination and no religious, social, ethnic or cultural association or group shall be prevented from establishing and maintaining schools at its own expense.

47. The National Human Rights Commission is empowered to inquire into any written complaint from any person alleging that any of his human rights has been, is being or is likely to be violated by the act or omission of any person acting in the performance of any public function conferred by any law or otherwise in the performance of functions of any public office or any public body.

Mexico

48. Mexico reported that article 24 of the Constitution provides that: "Everyone is free to embrace the religion of his choice and to practise all ceremonies, devotions, or observances of his respective faith, either in places of public worship or at home, provided they do not constitute an offence punishable by law."

49. In March 2012, the Chamber of Deputies of Mexico amended the Constitution to allow religious processions in public places, despite the separation of Church and State under the Constitution. The amendment affirms that every man is free to pursue the religious belief that best suits him, and guarantees the right to practise religion in public as well as in private places.

50. Article 2 of the Law of Religious Associations and Public Worship defines the administrative remedies that protect the right to religious freedom. The Law ensures that individuals may have or may adopt the religious belief of their choice and practice, individually or collectively, the acts of worship or rites of their choice. It establishes that individuals shall not be subject to discrimination, coercion or hostility because of their religious beliefs and shall not be required to declare said beliefs. Article 8 of this Law also defines the obligation of religious associations to respect at all times practices and beliefs foreign to their religion and to promote dialogue, tolerance and harmony between the different religions and beliefs represented in the country.

51. The General Directorate for Religious Associations promotes religious tolerance and investigates cases of religious intolerance. When parties present a religious dispute to the General Directorate, it attempts to mediate a solution; if mediation fails, the parties may submit the issue to the Directorate for binding arbitration. If the parties do not agree to this procedure, one or the other may elect to seek judicial redress.

Paraguay

52. Paraguay reported that article 24 of the Constitution provides for religious and ideological freedom such that freedom of religion, worship, and ideology is recognized without any restriction other than those established in the Constitution and the law. Pursuant to the Constitution, the State has no official religion and relations between the State and the Catholic Church are based on independence, cooperation and autonomy. The independence and autonomy of all churches and religious denominations, without restrictions other than those imposed by the Constitution and the law, are also guaranteed by the Constitution.

53. According to the Constitution, no one may be disturbed, questioned or forced to give testimony by reason of his beliefs or ideology.

54. Paraguay also indicated that article 233 of the Penal Code provides that anyone who, in a manner likely to impede the harmonious relations among people, insults another person on account of his or her beliefs in public or at a meeting or in publications is punishable by imprisonment for a maximum term of three years or by a fine.

Qatar

55. Qatar reports that it has ratified several international treaties which combat discrimination. It added that the Permanent Constitution of Qatar provides the legal framework for the two principles of equality and non-discrimination under its articles 18 and 19. All policies of the State are informed by article 18, which stipulates that Qatari society is based on the principles of justice, charity, liberty, morality and equality and article 19 stipulating that the State ensures the basis of the community by providing security, stability and equal opportunities to citizens. Articles 34 and 35 confirm, respectively, that citizens are equal in rights and obligations and that there shall be no discrimination on grounds of sex, origin, language or religion. The principle of equality and non-discrimination stipulated in articles 18, 34 and 35 must be implemented by all State institutions and bodies, which must refrain from any activity that might include or encourage discrimination. Under article 50, the right to worship is guaranteed to all persons in accordance with the law and the requirements of the maintenance of public order and morality.

56. The Criminal Code of Qatar in article 256 criminalizes all acts and actions related to denigrating or insulting the deity by any means; making insulting, disparaging or blasphemous remarks about the Koran; making insulting remarks about Islam or an Islamic ritual; defaming any of the revealed religions; insulting the prophet of a religion; or desecrating places of worship of a revealed religion or any object found in that place. Qatar reported that article 47 of the Publication Law (Law No. 8 of 1979) prohibits divisive or separatist publications of any type, and incitement to religious or racial discord, and imposes sanctions on anyone who supports such action.

57. It added that it established the Centre for Dialogue among Civilizations in 2005, the Dialogue between Religions in 2007, both mandated to promote a culture of dialogue and combat extremism. In 2011, it hosted a seminar on religious diversity in Doha. Qatar also indicated that it maintains open communication with foreign communities in Qatar and that it is keen to have them present in public life. It added that its housing policy ensures that every person on an equal basis has the right to live peacefully and securely, and that its police services carry out their duty in line with the Constitution and Public Order Law.

Slovak Republic

58. The Slovak Republic has elaborated the Action Plan to Prevent All Forms Of Discrimination, Racism, Xenophobia, Anti-Semitism and Other Expressions of Intolerance as the basic systematic tool of the Government in the area of prevention and elimination of these negative phenomena in society. The main coordinator

creating and implementing the action plan is the Section of Human Rights and Equal Treatment of the Government Office of the Slovak Republic.

59. It reported that at the Ministry of Interior of the Slovak Republic, this issue is covered by the Department of Extremism and Spectator Violence of the Office of Criminal Police of the Presidium of Police Force. The main tasks of this Department include: focusing on extremist groups, their members, events, organizers and the international connections of these structures; directly performing investigative and operative activity; based on the analysis of the security situation, providing implementation and coordination of precautionary actions aimed at the elimination of extremism and spectator violence crime, and processing of the analytical and statistical outputs on the issue of racially motivated crime, extremism and spectator violence crime.

60. On 8 June 2011 by resolution No. 379/2011, the Government approved the concept of the fight against extremism for the years 2011-2014.

Samoa

61. Samoa reported that the Government has developed a legal framework for the protection of human rights at the national level and recognizes freedom of religion to be a fundamental human right under the Constitution of the Independent State of Samoa. Under articles 11, 12 and 13 of the Constitution, the rights of individuals to religious freedom are promoted and if not adhered to, are prosecutable by law. Article 11 (1) stated with respect to freedom of religion that every person has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others, and, in public and private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

62. Article 12 (1) stipulates that no person attending any educational institution shall be required to receive religious instruction or take part in any religious ceremony or attend religious worship, if that instruction, ceremony or worship relates to a religion other than his own. Subsection (2) states that every religious community or denomination shall have the right to establish and maintain educational institutions of its own choice and to provide religious instruction for pupils of that community or denomination. Article 13 of the Constitution of Samoa concerns the rights to freedom of speech and expression, assembly, association, movement and residence.

Turkey

63. Turkey reported that, founded on a tradition of secular republicanism, its Constitution and relevant laws guarantee freedom of religion, conscience and belief. The Constitution provides for equality before the law without distinction as to language, race, colour, sex, political opinion, freedom of thought, religion or sect, or similar distinction. In its section on General Principles, all adherents of different religions are equal before the law. The Turkish Penal Code has specific provisions on hatred and intolerance based on religion or belief. In particular, article 115 of the Code provides that any person who forces another to modify or convert their religious, political, social and philosophical beliefs or obstructs the manifestation of

another's religion may be sentenced from one to three years in prison. Anyone who forces, threatens or by any other illegal act affecting a religious ceremony or practice may be sanctioned to three years of imprisonment.

64. Article 122 of the Code prohibits discrimination based on several grounds and in a number of economic spheres and situations, both private and public. Article 125 provides that disrespect and defamation: (a) against agents of the State in the exercise of their public functions; (b) by a person who insults or disseminates religious, social or political beliefs, opinions, or practices which is forbidden by the religion to which that person is an adherent; and (c) where the subject is considered sacred in the cadre of the religion to which that person is an adherent, is liable to a minimum sentence of imprisonment.

65. Turkey also reported that Law 6112 concerning television broadcasts governs the actions of media, including with respect to incitement to hatred on the basis of religion, race, language, social class or region. Under article 9 (6) of this law, commercial communications cannot contain discrimination on the grounds of race, colour, language, religion, sex, political or philosophical opinion, any other opinion, or national or ethnic origin and must not engender incitement based on these grounds. Turkey pointed out that article 7 of the Law on Functionaries provides that in the exercise of their functions, public officials are prohibited from discriminating on the basis of religion, race, language, social class and region.

Ukraine

66. Ukraine reported that civil servants, while performing their duties, are guided by a number of legal provisions, contained in the Constitution of Ukraine, other laws and regulations as well as General Principles on the Activity of Civil Servants, which in paragraph 2.6 stipulates that civil servants should demonstrate tolerance and respect for different religious organizations, respect customs and traditions of different peoples, and refrain from showing his religious convictions or preferences; and not grant priority to any associations of citizens, religious organizations irrespective of their size, status, confessional affiliations or nature of activity.

67. Under article 161 of the Criminal Code of Ukraine, the following will be punished: any wilful actions inciting national, racial or religious enmity and hatred, humiliation of national honour and dignity, or the insult of citizens' feelings in respect of their religious convictions, and also any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, colour of skin, political, religious and other convictions, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics. If a civil servant commits such acts while performing his duties, it should be considered an aggravated circumstance.

68. Ukraine stated that it respects and supports religious freedom and pluralism, and cooperates actively with a number of interreligious consultative bodies at the national and regional levels. The All-Ukrainian Council of Churches and Religious Organizations plays an active and independent civic role, and its opinion is taken into account in the process of elaborating standard setting documents related to the religious life of the society.

69. Article 4 of the Law of Ukraine on Freedom of Conscience and Religious Organizations emphasizes that all citizens of Ukraine are equal before the law and shall be entitled to enjoy equal rights in all areas of economic, political, social and cultural life irrespective of their religious convictions. Any direct or indirect infringement on the rights of citizens or establishment of direct or indirect privileges on the basis of religious convictions as well as inflaming religious feuds and assaults on the feelings of people shall be liable to sanction as established by law. At the same time, the Church (religious organizations) in Ukraine shall be separate from the State. Religious organizations shall not perform any State functions, shall not take part in the activity of any political parties, shall not nominate any candidates to State organs, propagate or finance the election campaign of candidates to these organs.

United States of America

70. The First Amendment to the United States Constitution, applicable to state and local governments, provides that Congress shall make no law respecting establishment of religion, or prohibiting the free exercise thereof or abridging the freedom of speech. Freedom of thought and conscience are protected by the guarantee of freedom of speech and opinion. The United States of America stated that protections of freedoms of expression, religion, association, and assembly form the basis for pluralism in the United States and for the ability of members of all religious communities and non-religious communities to fully participate in society and to contribute openly and on an equal footing.

71. The 1964 Civil Rights Act prohibits discrimination on the basis of religion in education, employment, housing, public accommodations and access to public facilities. The Civil Rights Division of the Department of Justice enforces this statute and has established a Special Counsel for Religious Discrimination to coordinate cases involving religion-based discrimination, and to oversee outreach efforts to religious communities. The Equal Employment Opportunity Commission investigates allegations of religious discrimination in employment. The Commission and the Civil Rights Division of the Department of Justice have pursued employers who discriminated against employees based on their religion or national origin in the aftermath of the events of 11 September 2001.

72. The Department of Justice also has a Community Relations Service which is available to state, local and tribal jurisdictions to help prevent and resolve racial and ethnic conflict and to employ strategies to prevent and respond to alleged violent hate crimes committed on the basis of actual or perceived race, colour, national origin, gender, gender identity, sexual orientation, religion, or disability. This Service has developed a set of best practices to assist localities in preventing hate crimes and restoring harmony in communities. It has also responded to reports of vandalism and arson involving mosques and Sikh *gurdwaras*.

73. In addition, the Office of Civil Rights and Civil Liberties in the Department of Homeland Security undertakes public outreach and engagement initiatives and also conducts training for law enforcement personnel and intelligence analysts.

74. The Unites States of America reported that it is a federal crime to commit arson or vandalism against religious real property, including houses of worship, committed because of the religious nature of the property.

75. The United States of America also engages in international efforts to foster global dialogue based on respect for human rights, including freedom of thought, conscience and belief around the globe. In response to Human Rights Council resolution 16/18, it hosted an expert-level meeting in Washington, D.C., in December 2011, which focused on enforcing prohibitions on discrimination based on religion or belief and implementation of effective outreach to members of religious communities.

III. United Nations Alliance of Civilizations

76. The United Nations Alliance of Civilizations reported that it continues activities aimed at improving understanding and cooperation among nations and peoples across cultures and religions.

77. Member States of the Alliance continue to be encouraged to develop National Plans for Intercultural Dialogue and Cooperation as well as Regional Strategies, comprising initiatives in the fields of education, youth, media and migration in order to promote policy change and long-term action at the country level. In the framework of the preparation of the Second Action Plan for South-Eastern Europe, a regional consultation with civil society took place in April 2012 in Belgrade.

78. The United Nations Alliance of Civilizations reported that its Education about Religions and Beliefs online learning community has expanded, becoming a premier Internet resource on issues concerning learning about diverse religions and beliefs.

79. The Alliance, in partnership with academic institutions and other organizations, supports an annual summer school and a fellowship programme. Similarly, the Alliance media programme focuses on amplifying the constructive role of media in furthering public understanding of divisive debates.

80. The Fourth Alliance Global Forum, held in Doha in December 2011, brought together 2,500 representatives from all constituencies to expand the global conversation on the role of culture, cultural diversity and intercultural dialogue in fostering sustainable development. The Fifth Global Forum, to be held in Vienna in late February 2013, will focus on promoting responsible leadership in diversity and dialogue and will include a cluster of working sessions from legal and educational perspectives on addressing the universal right to religious freedom and promoting a new religious pluralism through education.

IV. Office of the United Nations High Commissioner for Human Rights

81. During the twentieth session of the Human Rights Council, on 29 June 2012, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized a panel discussion on the promotion and protection of human rights in a multicultural context, including through combating xenophobia, discrimination and intolerance, pursuant to paragraph 3 of Human Rights Council resolution 18/20. The panel provided an informative and engaging exchange of views on the promotion and protection of human rights in a multicultural context, including through combating xenophobia, discrimination and intolerance.

82. The series of expert workshops, organized by OHCHR in 2011, on freedom of expression and the prohibition of incitement to national, racial or religious hatred considered relevant laws, policies and jurisprudence in countries of the different regions and discussed strategic responses to incitement to hatred, both legal and non-legal in nature. Each of these events generated extensive information and a large number of practical suggestions for increased implementation of the relevant international human rights standards, and OHCHR plans to convene a final expert meeting in October 2012, hosted by the Kingdom of Morocco, to take stock of these results.

83. OHCHR also organized in May 2012 in Vienna an expert seminar to enhance the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities. It was hosted by the Government of Austria and it brought together leading experts as well as representatives of Governments, international organizations and civil society.

V. United Nations human rights treaty bodies

84. During its seventy-ninth session, in August-September 2011, and its eightieth session in February-March 2012, the Committee on the Elimination of Racial Discrimination made reference to the intersectionality of racial and religious discrimination in the course of its work. It recommended that a number of States parties take measures to ensure that all persons enjoy their right to freedom of thought, conscience and religion, without discrimination, in accordance with article 5 of the Convention.

85. The Committee was concerned by reports of stereotyping, prejudice and misconceptions expressed through the media with regard to members of ethnic and religious minorities. It was also concerned by manifestations of hatred, hate crimes, racist and xenophobic political discourse in a number of countries. The Committee recommended that States parties adopt or amend legislation in line with the Convention and take appropriate measures to counter and strongly condemn racism and hate speech by all, including by law enforcement officials and politicians, as well as manifestations of racism in the media, including through the Internet. It urged States parties to effectively prosecute those responsible, regardless of their status. The Committee also strongly recommended to a State party to closely monitor the activities of extremist organizations, and to adopt legal and policy measures with the aim of preventing their registration and disbanding their activities, as necessary.

86. In the case of one State party, the Committee was concerned by limitations placed on the right of migrant workers and other foreigners to manifest their religion other than Islam only in private. For another State party, the Committee regretted the persistence of stereotypes associating ethnic minorities and non-citizens with criminality, and the religion of Islam with terrorism. It recommended that another State party ensure that its new system of terrorism prevention and investigation include safeguards against abuse and the deliberate targeting of certain ethnic and religious groups.

87. Regarding participation in public and political life, the Committee recommended that a State party undertake legislative reform to prohibit

discrimination in employment in the public administration on grounds of sex, origin, language and religion.

VI. Special procedures of the Human Rights Council

88. The Special Rapporteur on freedom of religion or belief participated in three of the expert OHCHR workshops on freedom of expression and the prohibition of incitement to national, racial or religious hatred, held in Vienna, Nairobi and Santiago de Chile. At the workshops, the Special Rapporteur presented joint submissions with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteurs looked at the strategic response to hate speech, which should include efforts to educate about cultural differences, promote diversity, empower and give a voice to minorities, including through the support of community media and representation in mainstream media.

89. In December 2011, the Special Rapporteur discussed the issue of racial and religious hate speech with the European Commission against Racism and Intolerance in Strasbourg and attended the meeting in Washington focused on the implementation of Human Rights Council resolution 16/18.

90. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance presented his first annual report at the twentieth session of the Human Rights Council focused on the prevention of racism, racial discrimination, xenophobia and related intolerance and also the report on the implementation of General Assembly resolution 66/143 on the "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance".[2] He urged States to ensure that educational institutions implement policies and programmes on equal opportunities, anti-racism, gender equality and cultural, religious and other diversity.[3] The Special Rapporteur again stated that political parties should work towards fair representation of minorities within and at all levels of their party system, to ensure that their political and legal systems reflect the multicultural diversity of their societies.[4]

VII. Conclusion

91. **The responses received indicate that the primary measure taken by States to protect freedom of religion and belief, freedom of expression and opinion as well as to ensure the principles of equality and non-discrimination is constitutional enshrinement. The replies reflect that these fundamental rights are protected at the highest level, and that subsequent national laws, including the criminal code are elaborated and/or amended to address particular features or issues, such as incitement to racial hatred, protection of places of worship**

[2] A/HRC/20/38, para. 4.
[3] Ibid, para. 24.
[4] A/HRC/20/33, para. 29.

and religious sites, cemeteries and shrines, and discrimination issues concerning the public service.

92. **Advocacy of incitement to hatred is for the most part criminalized and often prohibited on several grounds, including religion or belief. The interdependence and the importance of mutually promoting and protecting freedom of expression and freedom of religion were noted in some contributions.**

93. **The submissions also illustrate that in addition to a legal framework, networks, consultative bodies, forums, councils and dialogues for exchange, cooperation and implementation of national strategies in this domain have been employed to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.**

94. **States report that they have been taking measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief. While some States may have a constitutional provision or legislation governing the action of persons carrying out public functions or holding public office in this regard, the majority of responses indicate that training of public functionaries and civil servants is used.**

95. **Responses pointed to particular initiatives and measures to protect freedom of religion and belief and support the integration, social cohesion and tolerance of different religious communities present in the country. Many responses also pointed to constitutional or legislative protections as well as the lack of any legal restrictions or measures limiting the practice of religion and the functioning of religious communities and associations. Some States acknowledged the challenge of encouraging the representation and meaningful participation of individuals, irrespective of their religion or belief, in all sectors of society. A few States reported that they provide financial support or incentives to the functioning of religious associations and the activities of religious communities, and that they fund programmes aimed at combating intolerance against persons based on religion or belief.**

96. **Some responses addressed the issue of countering religious profiling or the invidious use of religion as a criterion in conducting questioning, searches and other law enforcement investigative procedures. Those responses focused on the issue of training and intercultural awareness initiatives directed at law enforcement personnel and police.**

97. **Virtually all responses indicated that States are adopting measures and policies to promote respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction. States highlighted preventative and protective measures being taken, including enhanced policing in particular neighbourhoods and communities and at specific religious sites. Moreover, in many national contexts, the desecration of monuments, places of worship, religious sites and ceremonies are criminal offences met by strong sanctions, including fines and imprisonment.**